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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13
14 vs.
15 DAVID KENNETH HANSEN,
16 Defendant.

17 Case No.: 2:20-cr-021 TLN

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19 STIPULATION AND ORDER
20 CONTINUING STATUS CONFERENCE
21 AND EXCLUDING TIME UNDER THE
22 SPEEDY TRIAL ACT

23 Date: October 29, 2020
Time: 9:30 a.m.
Court: Hon. Troy L. Nunley

24 Plaintiff United States of America by and through Assistant United States Attorney James
25 Conolly, and Attorney Todd Leras on behalf of Defendant David Hansen, stipulate as follows:

- 26 1. This matter is presently set for a status conference on October 29, 2020. By this
27 stipulation, Defendant Hansen moves to continue the status conference to January 14,
28 2021.

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- 1 2. This case involves drug trafficking and firearm charges stemming from execution of
2 search warrants in Sacramento and Placer Counties. Defendant appeared for
3 arraignment on the charges contained in the Indictment on January 24, 2020. During
4 the period following the arraignment a series of national events related to the spread
5 of COVID-19 occurred.
- 6 7. Federal and state authorities issued increasingly restrictive directives to slow the
7 spread of the virus. These restrictions hampered the ability to conduct defense
8 investigation as to potential defenses in this matter. Defendant Hansen therefore
9 requests to continue this matter to January 14, 2021.
- 10 12. Defendant Hansen is being held in pre-trial detention at the Sacramento County Main
11 Jail. The Chief Judge for the Eastern District of California has issued a series of
12 orders, including General Orders 612, 617, 618, and 620, restricting access to the
13 federal courthouses within the district since March 18, 2020. General Order 624,
14 issued on September 30, 2020, extended the courthouse restrictions for 90-days from
15 the issuance date – essentially amounting to the remainder of 2020.
- 16 19. On March 19, 2020, California Governor Gavin Newsom issued Executive Order N-
17 33-20 ordering all California residents to shelter in place unless their services are
18 needed to perform work in critical infrastructure functions. These restrictions
19 gradually and sporadically eased in the past seven months, but a current surge in
20 national COVID-19 infections places reopening measures, even in places such as
21 California where the restrictions appear to be succeeding, in a precarious position.
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- 1 6. The government has provided defense counsel with initial discovery consisting of
- 2 written offense reports and audio recordings. Defense counsel is reviewing these
- 3 materials with Mr. Hansen via occasional in-person visits at the Sacramento County
- 4 Jail. The defense therefore requests additional time to perform its discovery review
- 5 and investigation.
- 6
- 7 7. Given the ongoing defense investigation, Defendant Hansen requests to continue the
- 8 status conference in this matter to January 14, 2021, at 9:30 a.m., and to exclude time
- 9 between October 29, 2020 and January 14, 2021, inclusive, under Local Code T-4.
- 10 The United States does not oppose this request.
- 11
- 12 8. Attorney Todd Leras represents and believes that failure to grant additional time as
- 13 requested would deny Defendant Hansen the reasonable time necessary for effective
- 14 preparation, considering the exercise of due diligence.
- 15
- 16 9. Based on the above-stated facts, Defendant Hansen requests that the Court find that
- 17 the ends of justice served by continuing the case as requested outweigh the best
- 18 interest of the public and the Defendant in a trial within the time prescribed by the
- 19 Speedy Trial Act.
- 20
- 21 10. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
- 22 *seq.*, within which trial must commence, the time period of October 29, 2020 to
- 23 January 14, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. §
- 24 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance
- 25 granted by the Court at Defendant Hansen's request on the basis that the ends of
- 26 justice served by taking such action outweigh the best interest of the public and the
- 27

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1 Defendant in a speedy trial.

2 11. Nothing in this stipulation and order shall preclude a finding that other provisions of
3 the Speedy Trial Act dictate that additional time periods are excludable from the
4 period within which a trial must commence.

5
6 Assistant U.S. Attorney James Conolly has reviewed this proposed order and authorized
7 Todd Leras via email to sign it on his behalf.

8
9 DATED: October 26, 2020

10 MCGREGOR W. SCOTT
11 United States Attorney

12 By /s/ Todd D. Leras for
13 JAMES CONOLLY
14 Assistant United States Attorney

15 DATED: October 26, 2020

16 By /s/ Todd D. Leras
17 TODD D. LERAS
18 Attorney for Defendant
19 DAVID HANSEN

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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for October 29, 2020, is vacated. A new status conference is scheduled for January 14, 2021, at 9:30 a.m. The Court further finds, based on the representations of the parties and Defendant Hansen's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from October 29, 2020, up to and including January 14, 2021.

IT IS SO ORDERED.

DATED: October 26, 2020

Tom J. Naylor

Troy L. Nunley
United States District Judge

**ORDER CONTINUING STATUS
CONFERENCE**